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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MICHAEL MYERS, 96B2292,

Plaintiff,

05-CV-0446Sr

-v-

MEMORANDUM and ORDER

ANN ANDZEL and JOHN CULKIN,

Defendants.

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Plaintiff, who is incarcerated in the Wende Correctional Facility, has requested permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) and has both met the statutory requirements and furnished the Court with a signed Authorization. Accordingly, plaintiff's request to proceed as a poor person is hereby granted. Plaintiff filed a complaint in this action, and then a document entitled "amended complaint." It appears that since the original complaint was filed against one defendant, alleging one set of circumstances, and the "amended complaint" was filed against a different defendant, addressing a different set of circumstances, the second filing was intended to supplement, rather than replace, the original complaint. Plaintiff's complaint is, therefore, deemed to consist of the original complaint and the amended complaint. Plaintiff's complaint, as described above, has been screened by the Court with respect to the 28 U.S.C. §§ 1915(e) and 1915A criteria.

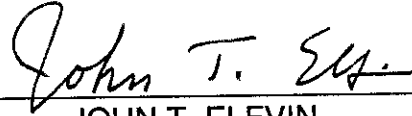
The Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Complaint as described, and this Order upon the named defendants without plaintiff's payment therefor, unpaid fees to be

recoverable if this action terminates by monetary award in plaintiff's favor. The Clerk is also directed to correct the docket to reflect that Ann Andzel is still a defendant in this action.

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the complaint.

SO ORDERED.

DATED: Buffalo, New York  
October 7, 2005

  
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JOHN T. ELFVIN  
UNITED STATES DISTRICT JUDGE